IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 17116 of 2007(K)

PETITIONER:

N.R.SHAJI, AGED 33 YEARS,
S/O. AR RAJAN OF NADAKKAPARAMBIL HOUSE,
MANNATHAZHATHU DESOM, PANAYIKULAM P.O.,
ALANGAD VILLAGE, PARUR TALUK, ERNAKULAM.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH

RESPONDENTS:
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1. THE SI OF POLICE,
VELLIKULANGARA STATION, MATTATHUR VILLAGE,
THRISSUR.

2. CIRCLE INSPECTOR OF POLICE,
PUTHUKAD POLICE STATION.
(IN CHARGE OF VELLIKULANGARA POLICE STATION),
THRISSUR.

3. SAJINI, AGED ABOUT 37 YEARS,
D/O. VELAYUDHAN, RESIDING AT KAITHAVALAPPIL HOUSE,
EDATHIRINI VILLAGE, MUKUNDAPURAM TALUK, THRISSUR.

R3 BY ADV. SRI.K.B.MOHANDAS
SRI.LELLULAL T.G.THUNDATHIL
R1 & R2 BY GOVT. PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

W.P.(C).No.17116 of 2007

Dated this the 24th day of July, 2007.

JUDGMENT

Raman, J.

The prayer made in this writ petition is to issue a writ of mandamus or any other writ order or direction commanding the 1st respondent not to interfere with the petitioner's peaceful possession and enjoyment of Ext.P1 property.

2. The 3rd respondent has entered appearance through counsel. Heard the parties.

3. It is submitted on behalf of 3rd respondent that the property in question was purchased by 3rd respondent in court auction sale in a proceeding instituted by the wife of the petitioner before Family Court. Therefore, the possession, as alleged by the petitioner, is denied. Obviously, Ext.P1 is a property in respect of which family court proceedings and civil court proceedings are pending. In such circumstances, the proper remedy is not to seek any direction from this Court. All that we wish to say is that the parties shall abide by the orders of the civil court and if there is any law and order situation, the police will see that law and order is maintained.

Writ Petition is disposed of as above.

P.R.RAMAN, JUDGE.

Krs. **K. HEMA, JUDGE.**